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Our Docket No.: 082225.P4249

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Giles et al.) Examiner: Lin, Kenny S.
Application No.: 09/589,218)
Filed: October 11, 2000)
For: A Server Node with Integrated
Networking Capabilities)

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 CFR 1.131 IN SUPPORT OF PRIOR INVENTION

Sir :

We, Thomas E. Giles, Leo Hezja and Raghvendra Singh declare:

1. We are inventors of the claims of the above-captioned patent application ("the Application") and the inventors of the subject matter described therein.
2. At least prior to July 20, 2000, the filing date of U.S. Patent No. 6,411,506 cited in an Office Action mailed April 8, 2004 the invention claimed in the Application had been conceived and reduced to practice in the United States.
3. Attached Exhibit A, dated July, 1999, is an invention disclosure form describing the design of the A Server Node with Integrated Networking Capabilities.

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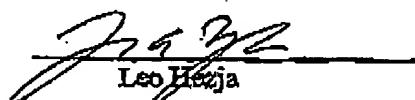
4. Exhibit A discloses server nodes interconnected through a multiplicity of links which provide multiple paths for traffic distribution. The nodes are configured to perform server functions as well as switch and router functions, including load balancing and fail-over. The system contains a number of independent nodes interconnected through links. Traffic entering the system is distributed on a node by node basis therefore providing the ability to make rapid decisions based on link traffic and loads of other nodes. See Exhibit A at page 2, point 2A; Exhibit B.
5. Exhibit B discloses a redacted portion of a document disclosing the invention further in support of the disclosure in Exhibit A.
6. Therefore, Exhibits A and B establish that the subject matter claimed in the Application had been reduced to practice in the United States prior to July 20, 2000.

We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

Dated: 3/7 2005


Thomas E. Giles

Dated: 3/7 2005


Leo Hezja

Dated: _____ 2005


Raghvendra Singh

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4. Exhibit A discloses server nodes interconnected through a multiplicity of links which provide multiple paths for traffic distribution. The nodes are configured to perform server functions as well as switch and router functions, including load balancing and fail-over. The system contains a number of independent nodes interconnected through links. Traffic entering the system is distributed on a node by node basis therefore providing the ability to make rapid decisions based on link traffic and loads of other nodes. See Exhibit A at page 2, point 2A; Exhibit B.
5. Exhibit B discloses a redacted portion of a document disclosing the invention further in support of the disclosure in Exhibit A.
6. Therefore, Exhibits A and B establish that the subject matter claimed in the Application had been reduced to practice in the United States prior to July 20, 2000.

We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

Dated: _____, 2005

Thomas E. Giles

Dated: _____, 2005

Leo Hezja

Dated: March 14th, 2005

Raghvendra Singh

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Declaration Under Rule 1.131
In Support of Application
Application No. 09/589,218